THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7846 of 1998

Dated: 06.02.2007

Between:

Bodisetti Venkata Narasimhachary
S/o Laxminarasimhachary and others.

..... PETITIONERS

AND

The District Collector, Kareemnagar and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7846 of 1998

ORDER:

Petitioners are the hereditary archakas of Seetharamaswamy Temple at Pothgal Village, Mustabad Mandal, Karimnagar District. Originally, the petitioners' grandmother, by name Amaravadi Narasamma, was the archaka of the said temple and she was given certain lands in various survey numbers situated at Pothagal village, Mustabad Mandal, Karimnagar District, in 1345 Fasli for rendering services at Seetharamaswamy temple. After the death of Narasamma, petitioners came into possession of the said lands and they are performing nityapooja and other important rituals. The Sub-Collector, Jagtial had also issued occupancy certificates under Sub-rule 9(3) of Rule 6 of Andhra Pradesh (Telangada Area) Abolition of Inams (Amendment) Act 1985 in favour of the petitioners. Thereafter, petitioners made a representation to the third respondent for grant of

ryotwari patta, and the same is pending. Meanwhile the respondent authorities proposed to auction the lands in question. Aggrieved thereby, the petitioners approached the Joint Commissioner of Endowments, and the Joint Commissioner of Endowments, after examining the records, passed an order dated 24.10.1980 stating that the lands in question do not belong to the temple and therefore, they cannot be auctioned. Despite the said fact, the respondent authorities issued notices dated 31.07.1997 and 21.08.1997 proposing to conduct auction for leasing out the lands in question for a period of one year. Hence, this writ petition.

No counter is filed on behalf of the respondents. Learned counsel for the petitioners submitted that though interim orders are not passed, auction was not conducted and even if any auction was conducted, it would subsist only for a period of one year, and hence, it would not prohibit the third respondent from considering the representation of the petitioners for grant of ryotwari patta.

Having regard to the fact that the competent revenue authority has issued occupancy certificates certifying that the petitioners have occupancy rights over the lands in question, and the Joint Commissioner of Endowments also passed an order to the effect that the lands in question do not belong to the temple and possession of the said lands from the petitioners shall not be taken, the third respondent is hereby directed to consider the feasibility of granting the ryotwari patta of the lands in question in favour of the petitioners, on the petitioners' making a fresh representation within a period of four weeks from the date of receipt of a copy of this order. If for any reasons, the third respondent is of the view that the ryotwari patta cannot be granted to the petitioners, the lands can be auctioned giving preference to the petitioners.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

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06.02.2007

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